

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

T N & Associates, Inc.
317 E. East Main Street
Ventura, California 93001

Respondent.

Docket HWCA 2008 1793

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and TN & Associates, Inc. (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondents generates and stores hazardous waste at the following site: 8433 Fallbrook Avenue, Canoga Park, California, 90304.

1.3. Inspection. The Department inspected the site including the groundwater remediation and treatment system location on December 19, 2007.

1.4. Authorization Status. Raytheon Company acquired Hughes Missile Systems Company in 1997. Hughes was issued a Hazardous Waste Permit in 1985 for a Hazardous Waste Storage Area and one underground RCRA tank unit. A Closure and Post Closure Plan was approved in late 1995. On January 30, 2008, a RCRA Facility Assessment was finalized as part of the corrective action to address remaining soil and groundwater contamination. TN & Associates, Inc. is an environmental engineering consultant for Raytheon Company and operates a groundwater remediation and treatment system at 8433 Fallbrook Avenue, Canoga Park, California, 90304 and generated and stored hazardous waste from the groundwater remediation and treatment system mentioned above.

1.5. Jurisdiction. Health and Safety Code, section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty

when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.6. Full Settlement. This Order shall constitute full settlement of the violations alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. By agreeing to this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.7. Hearing. Respondent waives any and all rights to a hearing in this matter.

1.8. Admissions. Nothing contained in this Consent Agreement shall be deemed or construed to be an admission or concession of any liability or fault with respect to any of the claims or allegations made by any party.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.1.1. Respondent violated Health and Safety Code section 25202 and California Code of Regulations, title 22, section 66262.34 in that on or about December 19, 2007, Respondent stored hazardous waste without a permit or grant of authorization from the Department in excess of the time limits prescribed by those sections.

2.1.2. Respondent violated California Code of Regulations, title 22, section 66260.200 (c), in that on or about December 19, 2007, Respondent determined incorrectly that a hazardous waste was not hazardous and stored it as non-hazardous.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Effective immediately, Respondent shall comply with the requirements of the California Code of Regulations, title 22, section 66262.34 and Health and Safety Code of Regulations section 25123.3(d)(3).

3.1.2. Effective immediately, Respondent shall comply with the California Code of Regulations, title 22, section 66260.200(c).

3.1.4. Respondent certified through its submittal dated March 4, 2008 that the violations alleged above have been corrected.

3.1.5. Respondent shall operate hereafter in a manner that shall prevent recurrences of the violations cited herein.

3.1.6. Respondent shall make all payments at the time(s) and in accord with any other conditions set forth in Section 5 (Penalty) below.

4. OTHER PROVISIONS

4.1. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondents, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondents may be required to take such further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.8. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

5. PENALTY

5.1. Within 30 days of the effective date of this Consent Order, Respondent shall pay the Department the total sum of \$15,000 in penalties. Respondents' check shall be made payable to the Department of Toxic Substances Control, shall identify the

Respondent and Docket Number, as shown in the caption of this case, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent to each of the following people:

Mr. Mukul Agarwal, Unit Chief
Enforcement and Emergency Response Program
9211 Oakdale Avenue
Chatsworth, California, 91311

Robert Sullivan, Esq.
Office of Legal Counsel
Department of Toxic Substances Control
1001 I Street, MS 23A
Sacramento, California 95812

5.2. Respondents agrees to send at least two (2) employee(s) to a California Compliance School Modules I-V, inclusive,

5.3. Attendance must be completed and Respondent must submit a Certificate of Satisfactory Completion for each employee issued by the California Compliance School to DTSC, as noted in paragraph 5.1 above, within 180 days of the date of this Order, in recognition of this educational investment, the total penalty imposed by this Order has been reduced by \$5,000 if both of the employee(s) specified above satisfactorily complete the specified modules and DTSC receives the Certificate(s) of Satisfactory Completion within the 180 days of the effective date of this Order,

5.4. If Respondents fails to submit the certificate(s) as required, an additional penalty in the amount of \$5,000 is due and payable within 30 days after the 180-days period expires, the 180-day period may be extended by a DTSC Unit Chief

upon a written request demonstrating good cause,

5.5 If Respondents fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code, section 25360.1, and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Original signed by Cynthia Shaw
Respondent

Dated: December 15, 2008

Cynthia Shaw, Director of Contracts
Respondent Printed Name and Title

Original signed by Mukul Agarwal
Department of Toxic Substances Control

Dated: January 2, 2009